

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

ALMONDNET, INC. and	§	
INTENT IQ, LLC,	§	
	§	C.A. No. 6:21-cv-00731-ADA
Plaintiffs,	§	
	§	PATENT CASE
v.	§	
	§	
ROKU, INC.	§	
	§	
Defendant.	§	

ROKU’S UNOPPOSED MOTION TO STAY

Roku hereby moves to stay this action in view of the overlapping, first-filed case co-pending in Delaware: *Roku, Inc. v. AlmondNet, Inc. and Intent IQ, LLC* (District of Delaware, C.A. No. 21-1035-MN) (“the First-Filed Delaware Action”). Plaintiffs AlmondNet, Inc. and Intent IQ, LLC (collectively, “AlmondNet”) do not oppose the sought stay.

The Court has the power to stay this action as an exercise of its inherent power to manage its own docket. *Landis v. N. Am. Co.*, 299 U.S. 248, 254–255 (1936). Good cause exists to stay this case, particularly in light of typical factors for analyzing whether to issue a stay. Those factors include:

- (1) whether a stay would unduly prejudice the non-moving party;
- (2) whether a stay would simplify the issues; and
- (3) the stage of the litigation.

See, e.g., Murata Mach. USA v. Daifuku Co., 830 F.3d 1357, 1361 (Fed. Cir. 2016) (citations omitted).

The same patents and issues in this case are being litigated among the parties in the First-Filed Delaware Action. *Compare* Dkt. 1 (AlmondNet Complaint) *with* Dkt. 7-2 (Roku Complaint in the First-Filed Delaware Action regarding the same patents as at issue in this case). Further, the

Delaware court recently denied AlmondNet's Motion to Dismiss or Transfer the First-Filed Delaware Action. *See* Dkt. 17-1 (Delaware Memorandum Opinion and Order denying AlmondNet's motion). Staying this case will therefore prevent duplicative litigation, simplify the issues, and preserve judicial and party resources. Further, this case is in its early stages—*e.g.*, the CMC has not yet occurred.

For these reasons, Roku requests that the Court stay this case. A proposed order is attached.

Dated: December 3, 2021

Respectfully submitted,

JACKSON WALKER LLP

/s/ Wasif H. Qureshi

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COUNSEL FOR ROKU, INC.

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that on December 2, 2021, Reza Mirzaie, counsel for AlmondNet, notified Leisa Talbert Peschel, counsel for Roku, that AlmondNet does not oppose the relief requested herein.

/s/ Leisa Talbert Peschel

Leisa Talbert Peschel

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 3, 2021, the foregoing and accompanying documents have been filed with the Court's ECF filing system and thereby served on all counsel of record.

/s/ Wasif H. Qureshi

Wasif H. Qureshi